

REMARKS:

Claims 1, 5-8 and 10-18 and 22 are in the case and presented for consideration.

The Examiner has rejected claims 1, 5-8, 10-14 and 17-19 as being fully anticipated by US Patent 5,348,003 to Caro. The remaining claims are rejected as being obvious for Caro taken in view of one or two of the secondary references to Jobsis and Goldberger.

The previously presented independent claims 1, 5 and 18 have been amended in a manner that is believed to patentably distinguish the invention over the prior art. The layout and nature of the of the light source and light receiver are substantially different from those of Caro or any of the other references and the differences over these references is believed to be unobvious.

New claim 22 has been added. This claim includes some of the subject matter of claim 1 as amended, but with the environmental light excluding baffle and filter arrangement for increasing the Signal-to-Noise and/or Signal-to-Background ratio of the disclosed invention. This is believed to have no counterpart in the prior art.

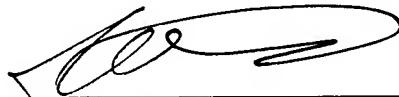
Fig. 4 of the Caro patent, which teaches the details of the light source of Caro, does not teach or suggest a light source one one side of the tissue for directly shining on the tissue or a light source consisting essential of two LEDs for directing light emitted by the two LEDs directly from the LEDs to substantially a same location on the tissue to be analyzed.

Caro also does not teaches use of optical filters and furthermore, frequency-sensitive detectors. The passages identified by the examiner, e.g. col. 10, lines 41-56 and col. 11, lines 28-32 of Caro, are in connection with Fig. 5 of the Caro patent which describes the detector assembly for the light which has been split off the introduced light

from the fiber optic 116 by the beam splitter 118. In this detector assembly 141, filter elements and detectors are mentioned which, however, do not involve light transmission within the light receiver for light from the tissue portion of claim 19. The reason for filtering and detecting the light within the detector assembly 141 is a completely different one, as it refers to the control light, which has been split off as mentioned above. Claims 1, 5, 18 and 22 are thus believed to be novel and unobvious over the prior art and in condition for allowance.

The defendant claims further define the invention in a manner which is believed to even better distinguish the invention over the prior art so that allowance of these claims is also respectfully requested.

Respectfully submitted,



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